FILE COPY

Office Supreme Court, U.S.
FILED
JUL 31 1959
JAMES R. BROWNING, Clerk

IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1959.

No. 266

CENTRAL STATES DRIVERS COUNCIL; and INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, OVER-THE-ROAD AND CITY TRANSFER DRIVERS, HELPERS, DOCKMEN AND WAREHOUSEMEN, LOCAL NO. 147,
Petitioners,

vs.

NATIONAL LABOR RELATIONS BOARD,
Respondent.

PETITION FOR WRIT OF CERTIORARI

To the United States Court of Appeals
for the District of Columbia.

DAVID PREVIANT,
DAVID LEO UELMEN,
511 Warner Theatre Building,
Milwaukee 3, Wisconsin,
Counsel for Petitioners.

Of Counsel:
GOLDBERG, PREVIANT & COOPER,
HUGH HAFER,
511 Warner Theatre Building,
Milwaukee 3, Wisconsin.

ST. LOUIS LAW PRINTING CO., INC., 415 N. Eighth Street. CEntral 1-4477.

1.

INDEX.

	Page
Citations to opinions below	2
Jurisdiction	2
Questions presented	2
Statutory provisions involved	3
Statement of the case	3
Reasons for granting the writ	5
1. The First, Fifth, Seventh, and District of Columbia Circuit Courts of Appeal have issued conflicting opinions concerning the proper scope of cease and desist orders in cases arising under Section 8 (b) (4) (A) of the Act	5
2. The proper scope of remedial orders, in cases involving Section 8 (b) (4) (A), is of vital importance to the administration of the Act; and has not been expressly considered by this court	6
3. The Board's order, in addition to being too broad, is inherently vague	8
4. The court below, contrary to the decision of this court in Universal Camera Corp. v. NLRB, 340 U. S. 474, held that the Board's orders are entitled to enforcement unless the evidence is "so substantial as to warrant" the conclusion that the Board "went beyond its powers"	8
Summary	9
Appendix "A"—Opinion of the United States Court of Appeals for the District of Columbia Circuit	11
Appendix "B"—Decision and order of the National Labor Relations Board	13

Appendix "C"—Decree of the United States Court of Appeals for the District of Columbia Circuit 47

Appendix "D"—Order of the United States Court of Appeals for the District of Columbia Circuit 51

Appendix "E"—Excerpt from Labor Management Relations Act of 1947 52

Cases Cited.

Business Machine & Office Appliance Mechanics (Royal Typewriter Company), 111 NLRB 317, enforcement denied, 228 F. 2d 553 (C. A. 2) 7

Carpenters District Council of Milwaukee County (Del Mar Cabinet Company), 121 NLRB No. 140, enforcement denied, ... F. 2d ..., 37 Labor Cases ¶ 65,595 (C. A. D. C.) 7

International Brotherhood of Teamsters, et al, v. NLRB, 262 F. 2d 456 (C. A. D. C.) 6

J. G. Roy & Sons Co., 118 NLRB 286, rev'd 251 F. 2d 771 (C. A. 1) 7

May Department Stores v. NLRB, 336 U. S. 376, 388 .. 7

Milk Wagon Drivers Union v. Meadowmoor Dairies, 312 U. S. 287, 296 8

NLRB v. Express Publishing Co., 312 U. S. 426, 435 ... 7

NLRB v. 926 International Union of Operating Engineers, ... F. 2d ..., 37 Labor Cases ¶ 65,481 (C. A. 5) 6

NLRB v. Local 135, ... F. 2d ..., 37 Labor Cases, ¶ 65,539 (C. A. 7) 6

NLRB v. Springfield Bldg. & Const. Trades Council, 262 F. 2d 494 (C. A. 1) 6

Seafarers' International Union (Todd Shipyards Corp.), 119 NLRB 1638; enforcement denied, 265 F. 2d 585 (C. A. D. C.) 7

Teamsters Local 24 (ACE Transportation Co.), 120 NLRB 1103, enforcement denied, 266 F. 2d 675 (C. A. D. C.) 7
Teamsters Local 554 v. NLRB, 262 F. 2d 456, 463 (C. A. D. C.) 6, 7
Teamsters Local 618 (Incorporated Oil Company), 116 NLRB 1844, enforcement denied, 249 F. 2d 332 (C. A. 8) 7
Teamsters Local 688 (Bachman Machine Co.), 121 NLRB No. 165, rev'd .... F. 2d ..., 37 Labor Cases ¶ 65,454 (C. A. 8) 7
Teamsters Local 859 (Associated General Contractors, Georgia Branch), 110 NLRB 2192, enforcement denied, 229 F. 2d 514 (C. A. D. C.) 7
Teamsters Local 968 (Otis Massey Co.), 109 NLRB 275, enforcement denied, 225 F. 2d 205 (C. A. 5) 7
Thurston Motor Lines, Inc., 110 NLRB 748, 749 7
Truck Drivers Local 728 v. NLRB, 265 F. 2d 439 (C. A. 5) 6
Universal Camera Corp. v. NLRB, 340 U. S. 474, 487 .. 9
U. S. v. Cohen Grocery Co., 255 U. S. 81, 89 8

Statutes Cited.

National Labor Relations Act:
Section 8 (b) (4) (A) 3, 5, 7, 52
Section 10 (c) 2
Section 10 (e) 2
28 U. S. C., Section 1254 (1) 2
29 U. S. C., Section 151 2

IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1959.

No. .....

CENTRAL STATES DRIVERS COUNCIL; and INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, OVER-THE-ROAD AND CITY TRANSFER DRIVERS, HELPERS, DOCKMEN AND WAREHOUSEMEN, LOCAL NO. 147,
Petitioners,

vs.

NATIONAL LABOR RELATIONS BOARD,
Respondent.

PETITION FOR WRIT OF CERTIORARI

To the United States Court of Appeals for the District of Columbia.

Petitioners pray that a Writ of Certiorari issue to review the judgment of the United States Court of Appeals for the District of Columbia entered in the above entitled action on June 25, 1959, enforcing an order of the National Labor Relations Board (hereinafter referred to as the "Board") against the Petitioner.